



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

March 30, 2006

FLIESLER MEYER, LLP
FOUR EMBARCADERO CENTER, 4TH FLOOR
SUITE 400
SAN FRANCISCO, CA 94111-4156
US

Dear Sir/Madam,

Your refund request for 09785872 in the amount of \$130.00 has been denied .

This fee was not paid twice. On 06/11/01 a sur charge of \$130.00 was paid and on 02/01/06 a terminal disclaimer was paid.

Sincerely,

ELEANOR KURTZ
Technical Center Others
703 308-9010 x177

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Rocky L. Stewart

Appln. No.: 09/785,872

Confirm. No.: 6323

Filed: February 16, 2001

Title: PLUGGING HUB SYSTEM FOR ENTERPRISE
WIDE ELECTRONIC COLLABORATION

PATENT APPLICATION

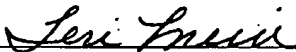
Art Unit: 2154

Examiner: Patel, Ashok Kumar B.

Customer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 28, 2006.

 (Signature)
Teri Muir
Signature Date: February 28, 2006

REQUEST FOR REFUND OF EXCESS FEES PAID UNDER 37 C.F.R. §1.26(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.26(a), Applicant requests refund of a fee paid in error with respect to the above-identified patent application.

A fee of \$130.00 was paid twice for Terminal Disclaimer as evidenced by the attached copy of our Deposit Account, copies of the transmittal, terminal disclaimer and copy of the check.


Also, enclosed is a copy of the fax to Examiner Patel explaining that the original disclaimer would follow by U.S. Mail with the fee attached.

The applicant respectfully request that a credit of \$130.00 be refunded to deposit account: 06-1325

Pursuant to 37 C.F. R. § 1.26(b) this request for refund is being submitted within two years from the date of payment of the fee paid in excess identified above.

Respectfully submitted,

Date: February 28, 2006

By: 
Karl F. Kenna
Reg. No. 45,445

FLIESLER MEYER LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800

Atty: Docket No. BEAS-01033US4
Kfk/beas/1033US4/Request for refund

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Rocky L. Stewart

Appln. No.: 09/785,872

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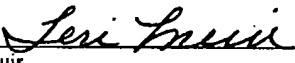
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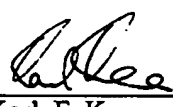
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Kfk/beas/1033US4/Request for refund

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FLIESLER MEYER LLP
INTELLECTUAL PROPERTY LAW

FACSIMILE TRANSMITTAL SHEET

TO:	Ashok Kumar B. Patel	FROM:	Karl F. Kenna
COMPANY:	U.S. Patent and Trademark Office	DATE:	1/18/2006
FAX NUMBER:	571.273.3972	TOTAL NO. OF PAGES INCLUDING COVER:	2
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	BEAS-01033US4
RE:	Appl. No. 09/785,872	YOUR REFERENCE NUMBER:	09/785,872

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

Please contact Teri Muir at (415) 362-3800 if you do not receive all pages indicated above.

NOTES/COMMENTS:

Re: United States Patent Application No. 09/785,872 entitled:
"Pluggable Hub System for Enterprise Wide Electronic Collaboration"
Filed: February 16, 2001
Our Ref: BEAS-01033US4

Dear Ashok:

For your review is a copy of a Terminal Disclaimer for the above-identified patent application.
Original and fee will follow by U.S. Mail.

Should you have any questions please feel free to contact the office.

Best regards,
Karl F. Kenna
Reg: 45,445

FOUR EMBARCADERO CENTER, FOURTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-4156

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FACSIMILE TRANSMITTAL SHEET

TO:	Ashok Kumar B. Patel	FROM:	Karl F. Kenna
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Best regards,
 Karl F. Kenna

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

2

Application Number

09/785,872

Filing Date

2/16/2001

First Named Inventor

Rocky L. Stewart

Art Unit

2154

Examiner Name

Patel, Ashok Kumar B.

Attorney Docket Number

BEAS-01033US4

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input checked="" type="checkbox"/> Terminal Disclaimer	Post Card
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Fliesler Meyer LLP		
Signature	<i>[Signature]</i>		
Printed name	Sheldon R. Meyer		
Date	1/18/06	Reg. No.	27,660

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Teri Muir</i>		
Typed or printed name	Teri Muir	Date	1-18-06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

BEAS-01033US4

In re Application of: **Rocky L. Stewart**

Application No.: **09/785,872**

Filed: **2/16/2001**

For: **PLUGGABLE HUB SYSTEM FOR ENTERPRISE WIDE ELECTRONIC COLLABORATION**

The owner*, **BEA Systems, Inc.**, of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number **09/906,658**, filed on **7/16/01**, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. **27,660**

Signature

Sheldon R. Meyer

Typed or printed name

Date

415.362.3800

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Deposit Account Statement

Requested Statement Month: February 2006
 Deposit Account Number: 061325
 Name: FLIESLER MEYER LLP
 Attention:
 Address: FOUR EMBARCADERO CENTER
 City: SAN FRANCISCO
 State: CA
 Zip: 94111
 Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
02/01	1	09785872	BAES-01033US ⁴	1814	\$130.00	\$10,707.00
02/01	43	E-REPLENISHMENT		9203	-\$5,000.00	\$15,707.00
02/01	78	60762966	SHNEY-01002US0	2005	\$100.00	\$15,607.00
02/01	165	10279663	BEAS-01156U0	1801	\$790.00	\$14,817.00
02/01	166	10279663	BEAS-01156U0	1251	\$120.00	\$14,697.00
02/01	167	10279663	BEAS-01156U0	1202	\$650.00	\$14,047.00
02/01	170	10116012	FXPL1038US ⁰	1251	\$120.00	\$13,927.00
02/02	16	11244850	E VTWS - 1000US ¹	8021	\$40.00	\$13,887.00
02/02	25	09658612	FXPL-01027US ²	1801	\$790.00	\$13,097.00
02/02	26	09658612	FXPL-01027US ³	1253	\$1,020.00	\$12,077.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$10,837.00	\$3,760.00	\$5,000.00	\$12,077.00

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